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**MAR 19 1993**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

) MM Docket No. 92-316,

File No. BPH-911008ME

File No. BPH-911010ME

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that any statements which he made reflected only his personal views and opinions, unaided by input from Ms. Sample or Bruce Linder.<sup>1</sup>

McVey's Statement totally failed to address Rivertown's

contention based upon the Brown affidavit (Exhibit E) and that

speculative -- coupled with denials on the part of Ms. Sample and Bruce Linder that their motivations are less than pure.<sup>2</sup>

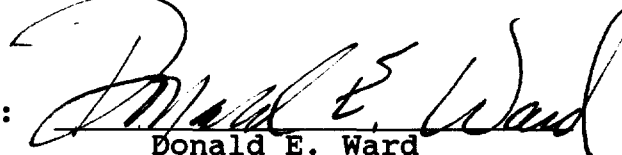
Sample recognizes (Opposition, p. 3) that an "admission against interest" is an exception to the hearsay rule, but argues that it is inapplicable here, since McVey is not a principal of Sample. It glosses over the fact that McVey is a principal of O-Town Communications, whose sponsorship of the Sample application lies at the heart of Rivertown's Motion. Clearly, McVey's statements to Collins and Brown constitute admissions against the interests of McVey and O-Town; they may not be ignored simply because Brown's and Collins' recounting of those statements are "hearsay."

Accordingly, it is respectfully urged that Rivertown's Motion to Enlarge Issues be granted, and the issues enlarged as requested.

Respectfully submitted,

RIVERTOWN COMMUNICATIONS COMPANY, INC.

By:



Donald E. Ward

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Its Attorney

March 18, 1993

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<sup>2</sup> Ms. Sample concedes obtaining McVey's assistance in her site selection process, and in preparing her budgets; Motion, Exhibit I, pp. 2 and 3.

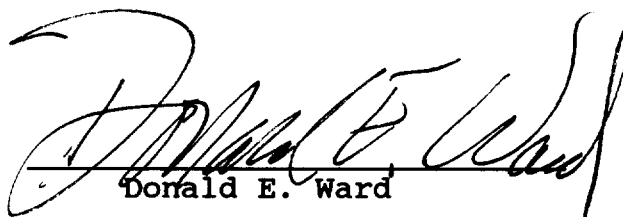
CERTIFICATE OF SERVICE

I, Donald E. Ward, do hereby certify that I have this 18th day of March, 1993, caused to be served by first class United States Mail, postage prepaid, a copy of the foregoing "REPLY TO 'OPPOSITION TO MOTION TO ENLARGE ISSUES'" to the following:

Hon. John M. Frysiak\*  
Administrative Law Judge  
Federal Communications Commission  
2000 L Street N.W.  
Washington, D.C. 20554

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Donald E. Ward

\* By Hand